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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,269	06/24/2004	Michael Maguire	555255012760	9824
24325	7590	09/19/2006		EXAMINER
STEPHEN D. SCANLON JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114				SHEDRICK, CHARLES TERRELL
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/500,269	MAGUIRE ET AL.	
	Examiner Charles Shedrick	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 December 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Hull does not disclose or suggest the step of “automatically retrieving”, however the examiner respectfully disagrees. Based on the claimed limitation there is no clear indication as to how the “automatically retrieving” occurs. In fact, after a careful review of the Applicants reference the examiner respectfully notes that the term “automatically/automatic” does not appear in the specification. Based the written limitation Hull teaches in response to various events paragraph 0019 and 0026 where at least the processor provides the automatic retrieval. Furthermore, even if in response to a manual input the processor could automatically perform the process based on various software/Hardware programmed features and still read on the claimed limitation “automatically retrieving” as written. The Applicant specification does not provide what the Applicant has identified as “Automatically retrieving “ clearly in order to overcome the prior art.

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The Applicant argues that Hull does not explicitly state that these different types are all stored in the same message log so that they can be retrieved and displayed in response to identifying a particular correspondent) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Hull teaches including a plurality of prior communications events with the identified correspondent (page 2, paragraphs (0019) & (0023)), the prior communications events including a plurality of event types (page 2, paragraph (0023)).

Regarding Claim 15 with respect to the above argument, in response to applicant's argument that Hull does not teach a communications event handler for identifying a correspondent in response to a communications event and **for automatically retrieving [etc.]**, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Therefore, rejection is proper

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (US PAT. No 20030034878) in view of FUJINO et al. (20010012347).

Regarding claim 1, Hull et al teaches a method of processing a communication event in a mobile device (100, figure 1) having a user interface (103, 105, figure 1), the method comprising of identifying a correspondent (sender's identity) associated with the communication event (message, see page 2, paragraph (0019)), automatically retrieving (col. 2, paragraph (0046), lines 6-8) - allowing the user to access stored message from a communication event database, a communication event history associated with the identified correspondent (page 2, paragraphs (0026) & (0027))-where the user may send or access message, the communication event history (message log, 213, figure 2) including a plurality of prior communications events with the identified correspondent (page 2, paragraphs (0019) & (0023)), the prior communications events including a plurality of event types (page 2, paragraph (0023))., and displaying (103, figure 1) the retrieved communications event history of the identified correspondent using the user

interface (105, figure 1) of the mobile device (213, 214, figure 2, page 2, paragraphs (0023) & (0019)).

FUJINO et al teaches from a communication event database, a communication event history associated with identified correspondent (page 3, paragraph (0034)).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hull et al to include a plurality of prior communications events with the identified correspondent, the prior communications events for the purpose of giving the user the advantage to determine the context of the communication event (abstract).

Regarding claim 2, Hull et al discloses wherein the step of identifying where other related data may store in the processing unit (Page 2, paragraph (0026)).

But, Hull et al does not specifically disclose where the limitation is preceded by the step of determining a communication event type for the communication event.

However, FUJINO et al. teaches the preceding by the step of determining a communication event type for the communication event referring to a signal where the segment to the mobile device determine where the next segment is signaled to the mobile device (page 2 & 3, paragraph (0034)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hull et al to determine how to identify the corresponding step without the communication event occurring for the purpose of handling a communication event in a mobile device.

Regarding claim 3, Hull discloses wherein the determined communication event type of the communications event is selected from a list including telephony based voice communication

events (210, figure 2, page 3, paragraph (0028) & (0040)), e-mail communications events (page 2, paragraphs (0025) & (0040)), short messaging service communications event (page 2, paragraph (0025)) and wireless application protocol communications event (page 2, paragraph (0023)).

Regarding claim 4, Hull et al wherein the communications event is an incoming communications event (102, figure 1), and further including the step of receiving the incoming communications event (208, figure 2) prior to identifying the correspondent (page 2, paragraphs (0019) & (0026)).

Regarding claim 5, Hull et al. discloses wherein the plurality of event types include at least two of a telephony based voice communications event type (210 figure 2, page 3, paragraphs (0028) & (0040)), an e-mail communication event type (page 2, paragraphs (0025) & (0040)), a short messaging service communications event type (page 2, paragraph (0025)) and a wireless applications protocol communications event type (page 2, paragraph (0023)).

Regarding claim 6, Hull et al discloses further including the step of adding the incoming communications event to the communications event history in the communications event database (209 figure 2, page 2, paragraphs (0023) & (0026)).

Regarding claim 7, Hull et al discloses wherein the step of receiving an incoming communications event includes one of: receiving a telephony based phone call (page 3, (0029)); receiving an incoming email message (page 2, paragraph (0025)),, and receiving an incoming shod messaging service (SMS) message (page 2, paragraph (0025)).

Regarding claim 8, Hull et al discloses wherein the step of identifying the correspondent includes one of: extracting a phone number from call display information (page 3, paragraph (0028), extracting an email address from the header of an email message (page 3, paragraph (0028)), and extracting an originating address from a SMS message (page 3, paragraph (0028)).

Regarding claim 9, Hull et al discloses wherein the step of identifying further includes cross referencing one of the extracted phone number, the extracted email address, and the extracted originating address with entries in an address book accessible to the mobile device (418, figure 4, page 3, paragraph (0028)).

Regarding claim 10, Hull et al discloses further including a step of controlling the user interface to provide the user with communications event handling options (111, 127, figure 1, page 2 & 3, paragraph 10027)).

Regarding claim 11, Hull et al discloses wherein the step of controlling the user interface includes providing the user an option to either ignore or answer an incoming telephony based call (page 2 & 3, paragraph (0027J)).

Regarding claim 12, Hull et al. further including the step of updating the communications event database to reflect a status of the incoming call (page 4, paragraph (0040)).

Regarding claim 13, Hull et al discloses wherein the step of displaying communications event handling options includes displaying the option to either read or ignore one of the incoming email message and the incoming SMS message (page 5, paragraph (0055)).

Regarding claim 14, Hull et al discloses further including the step of updating the communications event database to reflect the status of one of the incoming email message and the incoming SMS message (page 5, paragraphs (0056) & (0057)).

Regarding claim 15, Hull et al discloses a mobile device, comprising: a transceiver for transmitting and receiving communications events (102, figure 1),, a communications event database for storing a plurality of communications event histories (110, figure 1), each of the plurality of communications event histories being associated with one of the plurality of correspondents (21 1, figure 2), a communications event handler for identifying a correspondent in response to a communications event and for automatically retrieving the associated communications event history for the identified correspondent (page 2, paragraphs (0019J & (0026)) , and a user interface for displaying the communications event history of the identified correspondent (page 2, paragraph (0023)).

Regarding claim 16, Hull et al discloses wherein the communications event handler includes a communications event type identifier for identifying the type of the communications event from a list including telephony based voice communications events (page 3, paragraph (0028)), e-mail communications events (page 3, paragraph (0028)), shod messaging service communications event and wireless applications protocol communications event (page 2, paragraph (0025)).

Regarding claim 17, Hull et al discloses wherein the user interface is a display, and the communications event handler includes a display controller for controlling the display to display the retrieved communications event history (111, figure 1, page 2 & 3, paragraph 10023)).

Regarding claim 18, Hull et al discloses wherein the communications event handler includes a correspondent identifier for identifying the correspondent of an incoming communications event (page 2, paragraph (0026)).

Regarding claim 19, Hull et al discloses wherein the correspondent identifier is connected to the transceiver for receiving call display information (page 2, paragraph (0027)), and includes means for identifying the correspondent of an incoming communications event based on the received call display information (pages 3 & 4, paragraph (0038)).

Regarding claim 20, Hull et al discloses wherein the correspondent identifier includes an address book interface for cross-referencing the received call display information with entries in an address book accessible to the mobile device to identify the correspondent (page 3, paragraph (0028), and pages 3 & 4, paragraph (0038)).

Regarding claim 21, Hull et al discloses wherein the correspondent identifier includes header parsing means for parsing the header of one of a received email message and a received SMS message to extract an originating address (page 3, paragraph (0035)), and includes means for identifying the correspondent of an incoming communications event based on the extracted originating address (page 3, paragraph (0028)).

Regarding claim 22, Hull et al discloses wherein the correspondent identifier includes an address book interface for cross referencing the extracted originating address with entries in an address book accessible to the mobile device to identify the correspondent (418, figure 4, page 3, paragraph (0028)).

Regarding claim 23, Hull discloses wherein the communications event handler includes a user interface controller for controlling the user interface to provide a user with communications event handling options (111, figure 1, pages 2 & 3, paragraph (0027)).

Regarding claim 24, Hull discloses wherein the communications event handler includes means for updating the communications event database to reflect the status of an incoming call (pages 2 & 3, paragraph (0027)).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AU 2617
September 4, 2006



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